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Chapter 13 Bankruptcy Trustee
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7 UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

8 In re:

9 RAMONA G HERRON

10 Debtor.

BK-S-19-14524-MKN
Chapter 13

Hearing Date: October 3, 2019
Hearing Time: 1:30 P.M.

11
12 **TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN COMBINED WITH**
13 **TRUSTEE'S REQUEST FOR DISMISSAL**

14 COMES NOW Chapter 13 Bankruptcy Trustee, RICK A. YARNALL and hereby objects to
15 confirmation of the Chapter 13 Plan and recommends that confirmation be denied and the case
16 dismissed.

17 On July 17, 2019, the instant bankruptcy case was commenced. See Docket No. 1. The §
18 341(a) Meeting of Creditors was concluded on August 27, 2019. Confirmation of the proposed plan
19 is currently pending. The Debtor(s) bear the burden of proof on all elements of plan confirmation.
20 See In re Hill, 268 B.R. 548, 552 (B.A.P. 9th Cir. 1994). A proposed plan cannot be confirmed until
21 the Court has ensured that all requirements of §1325 have been satisfied. See United Student Aid
22 Funds, Inc. v. Espinosa, 130 S. Ct. 1367, 1380-81 (2010). Trustee objects to confirmation of the
23 proposed plan because it does not satisfy the confirmation requirement of § 1325.

Initially, Trustee opposes confirmation as he has not completed his investigation into the Debtor(s) financial affairs. In order to complete this investigation, the Trustee requests the following documentation:

- Updated monthly pay verification through confirmation;
- January to July 2019 bank statements from account ending 1837; and
- Valuation on real property located at 622 Louisiana, Gary IN, 46402.

Debtor(s) have a duty to cooperate with the trustee. Failure to do so can result in denial of confirmation and the dismissal of the underlying case. Therefore, confirmation should be denied and the case dismissed if Debtor(s) fail to timely tender the above-mentioned documents to the Trustee.

Trustee further objects to confirmation and requests dismissal on the basis that the Debtor has failed to commence making plan payments. Pursuant to 11 U.S.C. § 1326, debtors are required to commence making plan payments no later than 30 days after the filing of the plan or the order for relief, which is earlier. Section 1307(c)(4) states that a case may be dismissed or converted for failure to commence making timely payments under § 1326. Debtor filed the bankruptcy petition on July 17, 2019 and was required to commence making plan payments no later than August 16, 2019 and has failed to commence making plan payments. Thus, cause to dismiss his case exists.

CONCLUSION

For the foregoing reasons, the Trustee requests that confirmation be DENIED. Trustee further requests that, that the underlying case be DISMISSED if the Debtor(s) fail to timely resolve this objection to confirmation or become delinquent in plan payments.

DATED this 30th day of August, 2019.



Rick A. Yarnall, Chapter 13 Bankruptcy Trustee
701 Bridger Avenue, Suite 820
Las Vegas, Nevada 89101

CERTIFICATE OF MAILING

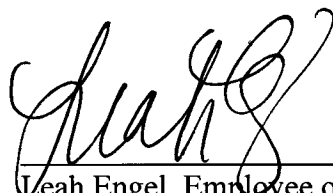
I hereby certify that I am an employee of RICK A. YARNALL, Chapter 13 Bankruptcy Trustee; that I am over the age of 18 years; and that on the 30th day of August, 2019, I provided a copy of the Trustee's Opposition to Confirmation to each of the following by:

[X] a. ECF System:

- LAURA L. FRITZ cmgr@fritzlawyers.com, fritzlawyers@lvcoxmail.com
- UPRIGHT LAW, LLC general@fritzlawyers.com, fiona@fritzlawyers.com
- RICK A. YARNALL ecfmil@LasVegas13.com, ecfmport@lasvegas13.com

[X] b. United States mail, postage fully prepaid:

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Leah Engel, Employee of
RICK A. YARNALL
CHAPTER 13 BANKRUPTCY TRUSTEE